

Health insurers warned that a move by the Trump administration on Saturday to temporarily suspend a program that was set to pay out \$10.4 billion to insurers for covering high-risk individuals last year could drive up premium costs and create marketplace uncertainty. [NCSL resources on health insurances premiums and increases.](#)

### **North Dakota measure would ban noncitizen voting**

*Associated Press*

Backers of a measure to change the North Dakota Constitution to explicitly bar non-U.S. citizens from voting say they have gathered enough signatures to get it on the November ballot. **NCSL research cited.**

### **Delaware lawmakers approve bill to prohibit pharmacist 'gag clauses'**

*Delaware Public Media*

Pharmacy Benefits Managers (PBMs), third-party administrators of prescription drug programs for health insurance plans, sometimes forbid pharmacists from telling customers about cheaper therapeutic alternatives, or disclosing when a drug might be cheaper when paid for out-of-pocket, rather than through insurance. = A **NCSL data cited.** [NCSL resources on 'gag clauses'.](#)

### **Janus ruling is a blow to public unions - especially bad for black women**

*Governing*

The Supreme Court's decision could weaken unions'

### **Webinar Wednesday: Revitalizing civics education in U.S. schools**

This webinar will explore the general state of civics knowledge and education in the United State and highlight some of the work state legislators are undertaking to address the civics education and engagement in their states.

[NEW@NCSL](mailto:NEW@NCSL)

### **FY 2019 state budget status**

### **Hear from thought leaders at the forefront of top issues at the Legislative Summit**

### **Connect with the new NCSL Events mobile app**

[BLOG](#)

### **Dig deep into Supreme Court's term with this free webinar series**

Check out this series of webinars organized by the State and Local Legal Center and hosted by NCSL and other organizations. All of the webinars are FREE and intended for

collective bargaining power, which has historically benefited women of color more than most.

a non-attorney and attorney audiences.

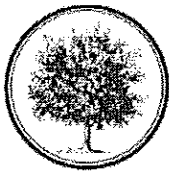


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**From:** The Buckeye Institute  
**Sent:** Tuesday, July 10, 2018 11:06 AM  
**To:** Rep30  
**Subject:** The Buckeye Institute Launches Workers Choose Campaign to Allow Public Employees to Express First Amendment Rights in Wake of Janus Ruling



## THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms

**FOR IMMEDIATE RELEASE**

July 10, 2018

(614) 224-3255 or [Lisa@BuckeyeInstitute.org](mailto:Lisa@BuckeyeInstitute.org)

### **The Buckeye Institute Launches Workers Choose Campaign to Allow Public Employees to Express First Amendment Rights in Wake of *Janus* Ruling**

**Columbus, OH** -- Following the U.S. Supreme Court's decision in *Janus v. AFSCME*, The Buckeye Institute launched its Workers Choose campaign, which gives public employees in Ohio the tools they need to express their newly-recognized First Amendment rights.

"In *Janus v. AFSCME*, the U.S. Supreme Court ruled that public-sector workers can no longer be forced to pay for political speech without their affirmative consent," said Robert Alt, president and chief executive officer of **The Buckeye Institute**. "For public-sector employees who seek to exercise their First Amendment rights and withdraw from their government union, **WorkersChoose.org** will allow them to initiate the process online in three easy steps. For those workers who are happy to continue supporting their government unions, they also have the First Amendment right to maintain their membership in them. The Janus decision is a win for all of our public workers, who are now respected and have a right to choose -- and those choices must be honored. I'm not sure how anyone could be opposed to letting workers decide for themselves."

To initiate the process of withdrawing from their government union, visitors to **WorkersChoose.org** will:

- Be asked to provide their name and email address;
- Find and select the county in which they work from a dropdown menu;
- Choose their employer from a dropdown menu; and
- Identify their government union in a dropdown menu.

Instructions will then appear that outline the opt-out process for that union and, when known, the specified timeframe or opt-out window. A completed notification letter, unique for each user, will be available for download and submission, as will union and employer contact information. Workers will simply need to download the letter and either email or send a hard copy to the listed contacts as instructed. If workers are required to email or send their notification letter at a future date, visitors have the option of signing up to receive an email notification when their opt-out window opens.

For public employees who have questions, there is a toll-free number, 1-855-e-Choose, and an email address, **WorkersChoose@BuckeyeInstitute.org**, that they can use for further assistance.

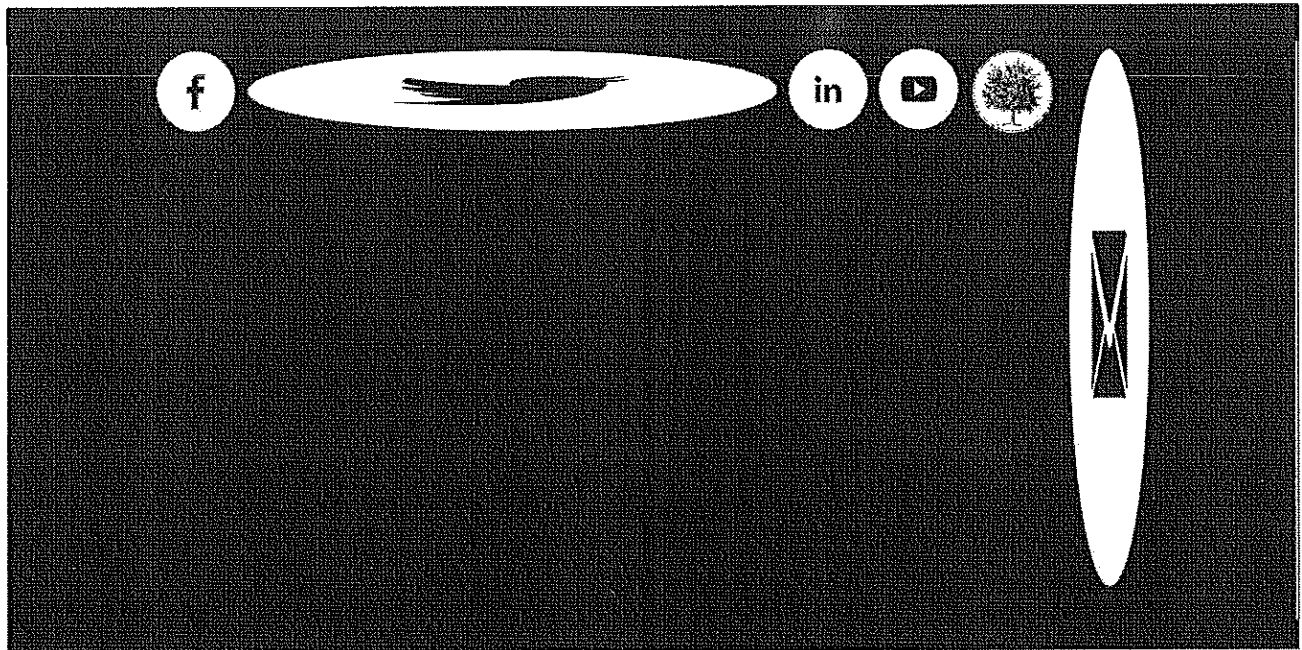
"If you are one of Ohio's hardworking teachers or other public-sector employees who prefer not to financially support or participate in your government union, **WorkersChoose.org** will allow you to begin the notification process today," said Alt.

###

*Founded in 1989, The Buckeye Institute is an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.*

*The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.*





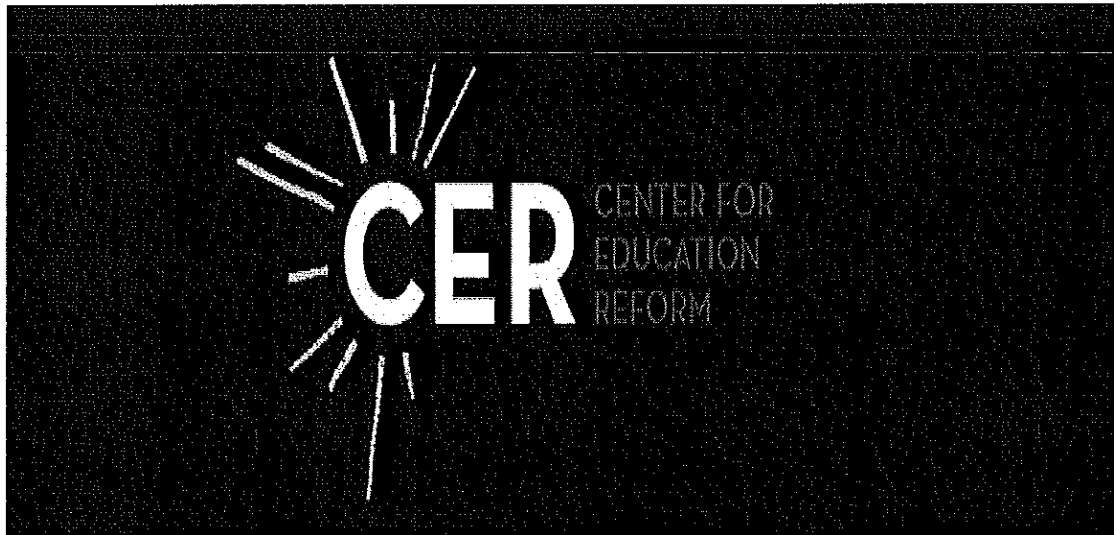
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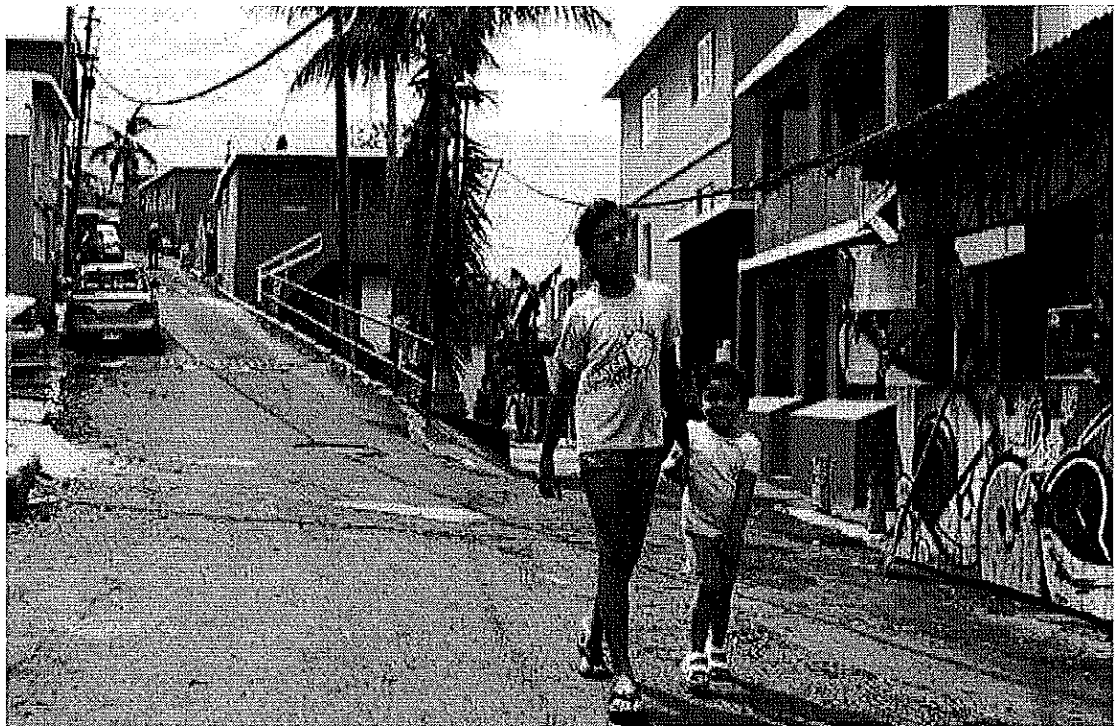
A weekly report on education news and commentary you won't find anywhere else — from the nation's leading voice on education innovation and opportunity.

**A NEW HOPE FOR RELIGIOUS SCHOOLS' FREEDOM?** The President's nominee to fill the vacancy that Supreme Court Justice Anthony Kennedy will create is Brett Kavanaugh, whose long history of rulings and opinions on education issues may allow for progress and real change for religious schools and school equity: *[Does A Justice Kavanaugh Mean That Blaine Amendments Are History?](#)*

**A SETBACK IN PUERTO RICO.** A frustrating turn of events in Puerto Rico where the hopes and plans to increase educational opportunities and innovations are being held up a judge's ruling that private school scholarships

violate Puerto Rico's Constitution and that only the University of Puerto Rico and Puerto Rico's municipalities can operate "*alianza*" (i.e. charter) schools.

Sadly, this is another case of putting children last when it comes to meeting their educational needs and, with hope, will only be a temporary set-back in delivering Gov. Rosselló's hugely needed, and hugely promising reforms. The good news is that we've seen this movie before, and the flawed decisions of courts from Washington state to Florida are usually based on education powers in constitutions not legislative powers, which in most Constitutions take precedence. [Check out this review](#), for example, from former U.S. Solicitor General Paul Clement, about a similar issue claimed but not litigated in Kentucky. We'll keep you posted.



**NEA: THE "NOT EDUCATION ASSOCIATION."** Somehow the NEA thought it appropriate to dedicate nearly two-thirds of the resolutions at its annual conference last week to everything BUT education? [What are some of the NEA's priority issues?](#) Here's a sample. Ensuring that Banana Republic doesn't

advertise with the union. Creating a toolkit to press for moratoria on charter school authorizations by bodies other than locally elected school boards. Advocating for lower interest rates and affordable housing programs for educators. And planning at least one action to shut down an immigration detention center, a Customs and order Patrol office, or an Immigration and Customs Enforcement office (and recruiting at least 500 educators to participate in the action who are willing to be arrested and not bailed out of jail for a week!).

**AFT ALSO OUT OF TOUCH.** As the AFT gears up for its rollicking annual convention and demagoguery fest we thought we'd brief you on the issues they'd be debating this year...that is until we looked at the list of a whopping 91 resolutions from 13 committees that are more appropriate to a meeting of the U.N. General Assembly than they are to addressing the educational needs of America's children and families. To be fair, they do have an "Educational Issues Committee" but things go sideways fast when we get to the committees on Healthcare, Human Rights, International Relations, Labor and the Economy, Political Action ("Resolution No. 53 'Rev It Up:' Register, Educate, Vote!") and Organizing and Collective Bargaining. Suffice it to say they will be discussing a lot of things, most of which have little or nothing to do with educating children. If you are so inclined, you can read every word of every resolution [here](#).

**NOTE TO UNIONS:** You're supposed to be looking for ways to improve your standing after Janus not get farther away from the mission upon which you were founded.

**HEARING IT DIRECTLY FROM MARK JANUS.** Along with many of our most respected colleagues, we've been glued to the Janus v. AFSCME litigation proceedings since the beginning. We've [covered](#), [interviewed](#) and reported on the subject. But nothing compares to hearing it from the horse's mouth. [Here's](#) Mark Janus explaining his "why" after the historic decision.



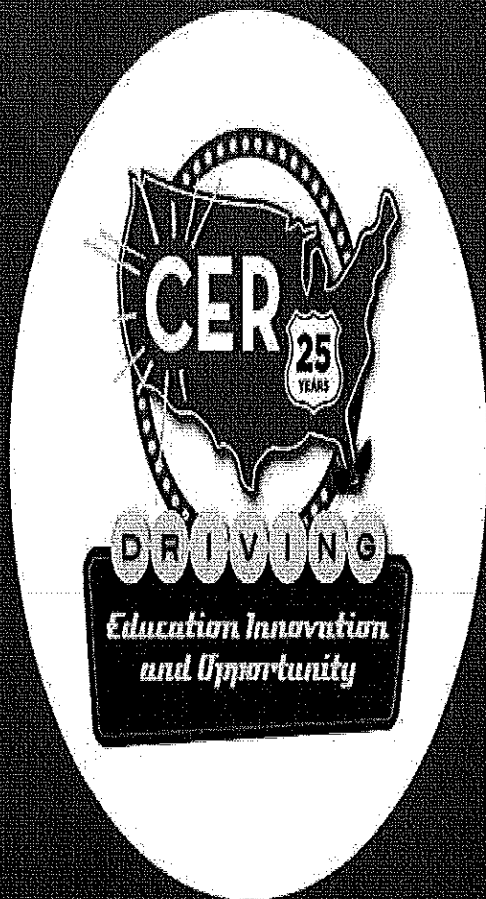
**TO NBC: NOT TO SAY, 'WE TOLD YOU SO' BUT...** The Grade, by Alexander Russo, offers up a great article over the irresponsibly story alleging charter schools are creating "white flight" from traditional public schools. The contention is absurd, and we said so, but the Grade goes even further. A very brief synopsis of its critique: *"...unfortunately, the [NBC/Hechinger] piece fails badly at its larger attempt, which is to assert that this kind of charter school is a significant problem nationally. Despite all efforts to make it seem otherwise, the data presented in the story do not support the claim that segregated white charters are a big problem."* Read the full article here.

**COMPETITION.** Pennsylvania's Bensalem school district hired a consultant to tell them why so many families were choosing charter schools over district schools. The consultant's explanation: with charter schools as an option for families, districts must compete for students, which means they have to improve in areas where they are lacking – be that in performance or programs or in working with parents. "Of course," the article concludes correctly, "competition is what the charter school law was supposed to produce — because competition drives excellence." = 2

**THE ROAD TO INNOVATION IS PAVED WITH SILVER...** This week we are pleased to announce the addition of Arizona State University as a partner in CER's Silver Anniversary Summit. We're grateful for the pathbreaking leadership of ASU and it's visionary president Michael Crow in their myriad endeavors. Start your engines and make your way to Miami on October 26th! Registration opens this week!

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**From:** Public Policy Law360  
**Sent:** Wednesday, July 11, 2018 5:33 AM  
**To:** Rep30  
**Subject:** 'Not A Complicated Case': Kavanaugh's Straightforward Style



Wednesday, July 11, 2018



## SUPREME COURT NOMINATION

### Feature

#### **'Not A Complicated Case': Kavanaugh's Straightforward Style**

There's no argle-bargle in Judge Brett Kavanaugh's opinions. Instead, he's made a name for himself on the D.C. Circuit with clear, concise writing. [Read more »](#)

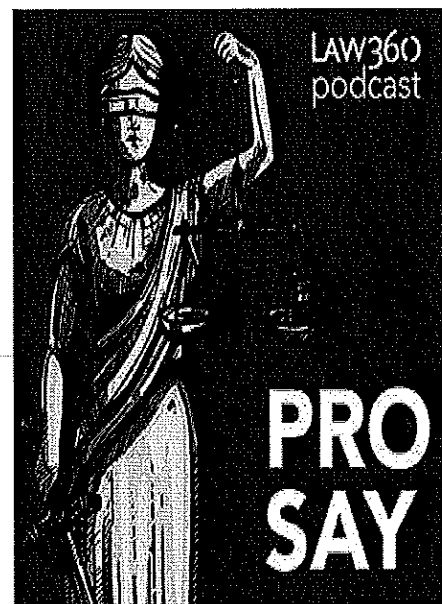
### Analysis

#### **With Kavanaugh's Nomination, Chevron's Future Looking Grim**

Confirmation of President Donald Trump's nominee to the U.S. Supreme Court, D.C. Circuit jurist and conservative all-star Brett Kavanaugh, would spell further trouble for federal agencies and so-called Chevron deference, but experts predict that the pro-regulation judicial doctrine is unlikely to be overturned completely in the near future. [Read more »](#)

#### **Dems Need Unified Front To Combat Trump's High Court Pick**

U.S. Senate Democrats have launched their drive to block President Donald Trump's choice of D.C. Circuit Judge Brett Kavanaugh for the U.S. Supreme Court, but the math indicates they must make sure their party ranks hold together. [Read more »](#)



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Feature

## 5 Tips For Kavanaugh As Confirmation Gets Underway

D.C. Circuit Judge Brett Kavanaugh, President Donald Trump's nominee to replace retiring Justice Anthony Kennedy on the U.S. Supreme Court, has publicly shared his view that being a judge means following the law — not making it — being impartial and not acting like a jerk. Here, experts share with Law360 five tips for how he can adhere to that philosophy while navigating confirmation hearings. [Read more »](#)

Analysis

## Kavanaugh Dissent Shows Skepticism For Deference To SEC

U.S. Supreme Court nominee D.C. Circuit Judge Brett Kavanaugh has earned a reputation for being skeptical of “overreaching” federal agencies, a point of view that could significantly influence how the high court defers to the U.S. Securities and Exchange Commission going forward, legal experts said Tuesday. [Read more »](#)

Analysis

## Kavanaugh Could Mean High Court Trouble For CFPB

D.C. Circuit Judge Brett Kavanaugh would bring to the U.S. Supreme Court a skepticism of regulatory agency authority that could be a boon for the financial services industry and a bummer for the Consumer Financial Protection Bureau, experts say. [Read more »](#)

Analysis

## What Enviro Lawyers Need To Know About Kavanaugh

President Donald Trump's nomination of D.C. Circuit Judge Brett Kavanaugh to the U.S. Supreme Court has attorneys, industry advocacy groups, environmentalists and academics delving into his majority opinions, dissents and oral argument comments for clues to his thoughts on matters ranging from climate change to executive agency deference. Here, Law360 takes a look at four key cases

Cravath Swaine  
Curtin & Heefner  
Davis Wright Tremaine  
Dorsey & Whitney  
Duane Morris  
Dykema Gossett PLLC  
Earthjustice  
Fisher Phillips  
Gibson Dunn  
GrayRobinson  
Hogan Lovells  
Hoguet Newman  
Holland & Knight  
Jomarron Lopez  
Kasowitz Benson  
Kirkland & Ellis  
Kohn Kohn  
Lowenstein Sandler  
Milbank Tweed  
Munger Tolles  
Norton Rose Fulbright  
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O'Neill & Borges  
Ogletree Deakins  
Paul Hastings  
Proskauer Rose  
Quarles & Brady  
Reed Smith  
Sanford Heisler  
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Starn O'Toole  
Stroock & Stroock  
Thompson Coburn  
Vinson & Elkins  
Weil Gotshal  
  
COMPANIES

that provide insight into his approach to environmental and administrative law matters. [Read more »](#)

Feature

### **6 Kavanaugh Employment Cases Lawyers Need To See**

As U.S. Circuit Judge Brett Kavanaugh prepares to embark on a potentially contentious confirmation process, a look at his judicial record in labor and employment cases reveals a judge who often sides with employers and tends to take a tough line with federal agencies. Here, Law360 looks at a handful of Judge Kavanaugh's D.C. Circuit employment law opinions that could offer a glimpse as to what his positions on the high court may look like. [Read more »](#)

Analysis

### **Wave Of FDA Suits Awaits If Kavanaugh Helps Trim Chevron**

Numerous legal challenges to U.S. Food and Drug Administration policies are likely if D.C. Circuit Judge Brett Kavanaugh ascends to the U.S. Supreme Court and helps persuade other justices to give less deference to regulators. [Read more »](#)

Analysis

### **3 Dissents That Define Kavanaugh's Immigration Record**

U.S. Supreme Court nominee Brett Kavanaugh has written dissents over the course of his 12-year tenure as a D.C. Circuit judge asserting that unauthorized immigrants don't have labor rights, that visa applicants' cultural background is irrelevant and that a detained immigrant teen should not be given immediate access to an abortion. Here, Law360 takes a look at Judge Kavanaugh's most notable writings on immigration. [Read more »](#)

## **TOP NEWS**

### **Senate Approves 1st Trump Nominee To 9th Circ.**

AT&T Inc.

American Bankers Association

American Bar Association

American Civil Liberties Union

American Federation of Labor and Congress of Industrial Organizations

American Immigration Council

American Immigration Lawyers Association

American Petroleum Institute Inc.

Assured Guaranty Ltd.

Barclays PLC

CSP Inc.

Cable News Network Inc.

Cato Institute

Chemours Co.

Chevron Corp.

Credit Union National Association Inc.

Delaware Riverkeeper Network

Enel SpA

Fannie Mae

Fogo de Chao Inc.

Ford Motor Co.

General Motors

Globalstar, Inc.

Honeywell International Inc.

Independent Community Bankers of America

Interstate Natural Gas Association of America

JPMorgan Chase & Co.

Janus Capital Group Inc.

Kids in Need of Defense

Kroll Bond Rating Agency Inc.

McDonald's Corporation

Melaleuca Inc.

Mexican American Legal Defense and Education Fund